

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LENORA ROBINSON,)	No. C 11-1339 LHK (PR)
)	
Petitioner,)	ORDER DENYING PETITIONER'S
)	MOTIONS FOR EXTENSION OF
v.)	TIME TO FILE A TRAVERSE;
)	DENYING MOTION FOR
WARDEN W. MILLER,)	APPOINTMENT OF COUNSEL
)	
Respondent.)	
_____)	(Docket Nos. 69, 70, 72)

Petitioner, a state prisoner proceeding *pro se*, filed a second amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed an answer. Petitioner filed a motion for an extension of time to file a traverse (docket no. 70), and an amended motion for an extension of time in which she detailed circumstances that were beyond her control and hindered her ability to complete her traverse (docket no. 69). Petitioner then filed a traverse on the date it was due. Therefore, petitioner's motions for an extension of time to file a traverse are **DENIED** as unnecessary.

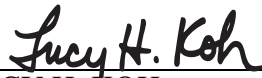
Petitioner also filed a motion for appointment of counsel. (Docket No. 72.) However, the Sixth Amendment's right to counsel does not apply in habeas corpus actions. *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). While 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner if "the court determines that the interests of justice so require," the courts have made appointment of counsel the exception rather

1 than the rule. Appointment is mandatory only when the circumstances of a particular case
2 indicate that appointed counsel is necessary to prevent due process violations. *See Chaney v.*
3 *Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). At this time, appointment of counsel is not
4 mandated, and the interests of justice do not require appointment of counsel. Accordingly,
5 petitioner's request is **DENIED**. This denial is without prejudice to the court's *sua sponte*
6 reconsideration should the developments of this case dictate otherwise.

7 This order terminates docket numbers 69, 70 and 72.

8 IT IS SO ORDERED.

9 DATED: 9/10/13


LUCY H. KOH
United States District Judge